

House Bill 1026 (AS PASSED HOUSE AND SENATE)

By: Representatives Smith of the 129<sup>th</sup>, Rogers of the 26<sup>th</sup>, Loudermilk of the 14<sup>th</sup>, Floyd of the 147<sup>th</sup>, Graves of the 12<sup>th</sup>, and others

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 32-6-171 of the Official Code of Georgia Annotated, relating to the authority of the Department of Transportation to order removal, relocation, or adjustment of utility facilities, so as to provide that a utility may be exempt from certain requirements of notice and hearing when the department requires the removal, relocation, or adjustment of the facilities as a result of public road improvements; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 32-6-171 of the Official Code of Georgia Annotated, relating to the authority of the Department of Transportation to order the removal, relocation, or adjustment of utility facilities, is amended by revising subsection (a) to read as follows:

"(a) Any utility using, ~~or occupying, or adjacent to~~ any part of a public road which the department has undertaken to improve or intends to improve shall remove, relocate, or make the necessary adjustments to its facility when, in the reasonable opinion of the department, the facility constitutes an obstruction or interference with the use or safe operation of such road by the traveling public or when, in the reasonable opinion of the department, the facility will interfere with such contemplated construction or maintenance. In undertaking such removal, relocation, or adjustment, if the department has notified the utility in writing that the facility constitutes an obstruction or interference with the construction, use, or safe operation of the roadway, then the utility shall be exempt from the requirements of Code Sections 22-1-10 and 22-1-10.1. Nothing in this Code section shall be construed so as to deprive any utility relocated from a location in which it owned a property interest of compensation for such interest."

**SECTION 2.**

This Act shall become effective on July 1, 2008.

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